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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1483 393 Press / Mis.
48-49.

Dated 28-8- 18 67.

48-49

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department, 28th August 1867.

No. 48. Read the following letter from W. S. LILLY, Esq., Acting Judge of the Small Cause Court of Combaconum, to the Acting Chief Secretary to Government, Fort Saint George; dated Combaconum, 12th August 1867, No. 172.

I have the honor to submit, for the consideration and orders of Government, a copy of a correspondence between the Accountant General and myself, regarding an order issued by that officer to the Treasury Deputy Collector of Tanjore, which is, I think, palpably unjust to me.

2. The case stands thus—In May and June last, while at Ootacamund for the recess, I drew my pay for April and May from the Coimbatore Treasury. Subsequently, the Accountant General, in "Final Adjustment Orders," of which I received copies, stated that this course was irregular, and that the amount drawn should be refunded in cash. On my return to my station, I wrote to the Deputy Collector in charge of the Tanjore Treasury, forwarding the copies of the Accountant General's orders, and requesting that a Public Service Transfer Receipt on the Coimbatore Treasury for the amount might be furnished to me. The Deputy Collector applied to the Accountant General for permission to grant me such a receipt, which was refused, on the ground that I should make my own arrangements for remitting to the Coimbatore Treasury the sum irregularly drawn thence. I then wrote to the Accountant General the letter, of which a copy is enclosed, representing that this course would be very inconvenient to me; that the irregularity, which it seemed had occurred, was chargeable not to me but to a subordinate of his own department, and that it was unfair that I should be required to undergo trouble or expense in repairing it; and expressing a hope that, on re-consideration, he would direct that the adjustment between the two Treasuries should be made by Public Service Transfer Receipt, or in some other way which would not inconvenience me. In the Accountant General's reply, which is the second enclosure to the present letter, he admits, it will be seen, that the irregularity is chargeable to his subordinate, the Coimbatore Deputy Collector, but refuses to modify his order, on the ground that he "cannot allow the irregularity to remain unchecked."

3. I, of course, am not desirous that the irregularity should remain unchecked: all I ask is, that the trouble of rectifying it should be borne by the department to which the officer who committed it belongs. And as the injustice of the Accountant General's final decision would seem to be clear from his own letter, I trust I shall not be considered presumptuous if I am unwilling to acquiesce in his "sic volo sic jubeo" as conclusive, and appeal to Government, who, I venture to hope, will think it a less evil that the decree of the Accountant General should be changed, than that I should be punished for a fault which it is not even attempted to lay to my charge.

4. My belief that Government will not permit their officers to be treated with unfairness and discourtesy will, I hope, excuse my troubling you on a matter intrinsically so unimportant as the present.

From W. S. LILLY, Esq., Acting Judge of the Small Cause Court of Combaconum, to the Accountant General, Madras; dated Combaconum, 3rd August 1867, No. 165.

In May and June last, while at Ootacamund during the recess of the Court over which I preside, I submitted my pay bills for April and May to the Coimbatore Treasury Deputy Collector, and obtained from him Cheques on the Ootacamund Bank for the net amount due to me, viz., Rupees 985 for April, and Rupees 885 for May.

2. On the 8th of June I received from your office a "Final Adjustment Order," in which it is stated that my bill for April is "rejected," and that the amount should be "recovered in cash," on the ground that I should have drawn my allowance from the Tanjore Treasury. Subsequently I received a similar "Final Adjustment Order" regarding my pay for May.

3. On my return to Combaconum on the 24th of June, I wrote to the Deputy Collector in charge of the Treasury at Tanjore, forwarding your two "Final Adjustment Orders," and requesting that a Public Service Transfer Receipt on the Coimbatore Treasury might be furnished to me for Rupees 1870, the amount I had actually drawn from that Treasury.

4. The Deputy Collector replied that it would be necessary for him to refer to you for orders. The result of that reference appears to be your Memorandum, No. 2163, dated 22nd July, of which I received a copy yesterday. It runs as follows :—

"The full amount of Mr. Lilly's salary for April 1867 should be debited in your Treasury "account to the proper head of Charge, and the amount without deduction on account of Civil "Fund subscription paid to that gentleman, who should make his own arrangements to remit the "amount drawn by him from the Coimbatore Treasury. The same course should be adopted with "Mr. Lilly's net salary for May 1867, the deduction on account of Civil Fund subscription and "License tax being credited in your accounts."

5. My object in this letter is to represent my objections to the course you prescribe for me. To make my own arrangements for remitting a sum of Rupees 1870 from this station to the Coimbatore Treasury is not an easy matter. I suppose neither Hoondies nor a Cheque on my Madras Agents would be received there; the Post Office authorities discountenance the transmission of Currency Notes in letters. If the amount were remitted by Money Order, the charge for Commission fees would be not inconsiderable; and I do not think that, under the circumstances of the case, I ought to be put either to trouble or expense, as the irregularity, which seems to require rectification, appears to be chargeable rather to your subordinate, the Coimbatore Deputy Collector, than to me.

6. It will not, I think, be denied that I cannot be expected to possess any further information regarding the rules of your department, than is supplied by the Circular and other letters which you address to this Court from time to time, and I can find nothing on record from which I could possibly have inferred that the Judge of the Court, while absent during the recess, should not draw his pay from the Treasury of any District in which he might happen to be, when it became due.

7. If any such rule exists, it should, I think, have been known to the officer in charge of the Coimbatore Treasury, and my bill, when forwarded to him, should have been returned, with an intimation that he was precluded from paying it. It would seem to be clear that the fault lay not in my presenting my bill, but in the Deputy Collector's passing it, and that the task of repairing such fault should, in common fairness, be undertaken by the department of which he is an officer.

8. I trust therefore that, on re-consideration, you will see no objection to the adjustment of the matter between the two Treasuries in the manner I proposed, or in some other way which will not occasion inconvenience or expense to me.

No. 49. ORDER THEREON, 28th August 1867, No. 393.

The Accountant General will be requested to state whether, under the circumstances explained by Mr. Lilly, and under the provisions of Clause 83 of the Rules for Remittance Transfer Receipts, a Transfer Receipt cannot be granted to him for the remittance which, to meet the requirements of the Account Department, and in correction of an error on the part of a Deputy Collector in charge of a Treasury, he is called upon to make to the Treasury at Coimbatore.

2. The Accountant General will also be requested to state what is the precise course which officers leaving their stations during the recess should follow in respect of the drawing of their salaries, as it appears from what Mr. Lilly states that he was not aware of any rule which interdicted him from drawing his salary from the nearest Treasury which, in this instance, was at Coimbatore.

(True Extract).

Acting Chief Secretary.

To the Accountant General.
To W. S. Lilly, Esq, Combaconum.

Exd. J. Tulloch.

POST AUDIT DEPARTMENT. No. 2571. 3B

Fort Saint George,
Accountant General's Office,
9th August 1867.

FROM
THE ACTING DEPUTY ACCOUNTANT GENERAL, MADRAS.

TO
~~THE~~ W. S. Lilly, Esqr.
Actg Judge of the Court of Small Causes
Combaconum.

Sir.

With reference to your letter No. 165 dated 3d Instant I have the honor to state that, tho' the Treasury Deputy Collector Coimbatore has acted irregularly in disbursing your Salary, I cannot allow the irregularity to pass unchecked upon the grounds urged by you - The order of this Office against which you have appealed must therefore be enforced.

I have the honor to be,
Sir,
Your most Obt. Servant.
Actg Acctt. General.

DEPARTMENT.

ACCTT. GENL'S OFFICE, MADRAS.

No.

From

ACTING DEPUTY ACCTT. GENERAL.

MADRAS.

To

Dated
Recd.
Ansd. } (No. of answer.)

(Subject)

Enclosure 2
to letter from Asst
Sy Judge of the Court
Cause Court of Combaconum
dated the 1st
August 1865.

From Sy Judge of the Court of Cause Court of Combaconum

To The Deputy Accountant General Madras

Sir,

I have the honor to forward herewith the Receipts of the Court mentioned in the margin, I submit herewith pay bills for April and May to the Combaconum Treasury, Deputy Collector and obtained from him Cheques on the Oriental Bank for the net amount due to the Civil Establishment for April and Rs. 985 for May.

2. On the 8th of June I received from your office a "Final adjustment order" in

which

Combaconum
1st August 1865

No. 165

From,

W. L. Eddy Esquire
Asst Judge of the Court of
Cause Court of
Combaconum

To,

F. Buckingham Esqre
Accountant General
Madras.

Sir,

1. I have the honor to submit, while at Combaconum during the recess of the Court now which I transmit herewith, I submitted my pay bills for April and May to the Combaconum Treasury, Deputy Collector and obtained from him Cheques on the Oriental Bank for the net amount due to the Civil Establishment for April and Rs. 985 for May.

2. On the 8th of June I received from your office a "Final adjustment order" in

which

which it is stated that my bill for April is "rejected" and that the amount should be "recovered in Cash" on the ground that I should have drawn my allowance from the Sanjore Treasury. Subsequently I received a Bill as "Final adjustment Order" regarding my pay for May.

3. On my return to Coimbatore I wrote on the 24th of June to the Deputy Collector in Charge of the Treasury at Sanjore forwarding your two "Final Adjustment Orders" and requesting that a Public Service Transfer Receipt on the Coimbatore Treasury might be furnished to me for Rs 1870 the amount I had actually drawn from that Treasury.

4. The Deputy Collector

replied that it would be necessary for him to refer to you for Orders. The result of that reference appears to be your Memorandum dt. 2163 dated 22nd July of which I received a Copy Yesterday. It runs as follows:

"The full amount of Rs"
"Lilly's salary for April 1869"
"should be debited in your"
"Treasury Account to the proper"
"head of charge and the Amount"
"without deduction on account"
"of Civil Fund Subscription"
"paid to that Gentleman who"
"should make his own arrangements"
"to remit the amount"
"drawn by him from the Coimbatore Treasury. The same"
"course should be adopted with"
"Mrs Lilly's Net salary for May"
"1869 the deduction on account"

of

of Civil Fund Subscription and Income Tax being Credited in Your account".

5. My objection to this letter is to represent my objections to the course I am prescribed for me. To make my own arrangements for remitting a sum of Rs 1870 from this Station to the Coimbatore Treasury is not an easy matter. I am spoke neither Bundies nor a Cheque on any Bankers Agents should be received here: the Post Office authorities discountenance the transmission of currency notes in letters: if the amount were remitted by Money order the charge for Commission per month would be not inconsiderable; and I do not think that, under the circumstances

of the case, I ought to be put either to trouble or expence or the irregularity which seems to require rectification appears to be chargeable on me or my subordinate either to your Subordinate the Coimbatore Deputy Collector than to me.

6. It will not, I think, be denied that I cannot be expected to possess any further information regarding the rules of your Department, than is supplied by the Circulars and other letters which I receive from time to time and I can find nothing on record from which I could possibly have inferred that the Judge of the Court which issued the Decree pay from the Treasury

Treasury of any District in which he might happen to be when it became due.

7. It may luckily be that it should have been known to the Officer in charge of the Coimbatore Treasury and by Bill taken for murdik to him should have been returned with an intimation that he was precluded from paying it. It would be very hard in by preventing my Bill but in the Deputy Collector paying it: and that the task of repairing such faults should in common fairness be undertaken by the Department of which he is an Officer.

8. I must therefore that on reconsideration you will see no objection to the adjustment of the matter between the two Treasuries in the manner

I proposed or in some other way which will not occasion inconvenience or expence to me.

I am the honorable
Sir
Your most obedt. Servt.
Signed J. M. L. Eilly
A. Judge

True Copy

Combaconum
Small Cause Court
19th August 1861

A. Judge

No 179 — 13 B

Conjeeveram

12th August 1867

From

W. S. Dilly Esquire

Ag. Judge of the

Small Cause Court of

Conjeeveram

To

The Honorable R. S. Ellis

Ag. Chief Secretary to

Government of Madras

Sir,

I have the honor to sub-
-mit, for the consideration and orders
of Government, a copy of a
Correspondence between the Account
-ant General and myself regard-
-ing an order issued by that Office
to the Treasury Deputy Collector
of Tanjore which is, I think, im-
-pathably unjust to me.

2. The case stands thus.
In May and June last, while
at Coteacammund for the recep, I
draw

Ag. Judge of the Small Cause Court of Conjeeveram
dated 12th August 1867.

Copy of a Letter addressed to the Accountant General by the Ag. Judge of the Small Cause Court of Conjeeveram

Dated 28th August 1867 No 148

Rec'd 29th Do 1867

drew my pay for April and May from the Coimbatore Treasury. Subsequently the Accountant General in "Final Adjustment orders" of which I received Copies stated that this course was irregular and that the amount drawn should be refunded in Cash. On my return to my station I wrote to the Deputy Collector in charge of the Pauper Treasury forwarding the copies of the Accountant General's orders and requesting that a Public Service Transfer Receipt on the Coimbatore Treasury for the amount might be furnished to me. The Deputy Collector applied to the Accountant General for permission to grant me such a receipt which was refused on the

2753

ground that I should make my own arrangements for remitting to the Coimbatore Treasury the sum irregularly drawn thence. I then wrote to the Accountant General the letter, of which a copy is enclosed, representing that this course would be very inconvenient to me, that the irregularity which it seemed had occurred was chargeable not to me but to a Subordinate of his own Department, and that it was unfair that I should be required to undergo trouble or expense in repairing it; and expressing a hope that, on reconsideration, he would direct that the adjustment between the two Treasuries should be made by Public Service Transfer Receipt or in some other way which would not inconvenience me. In the Accountant General's reply which is the second enclosure to the present letter

letter, he admits, it will be seen, that the irregularity is chargeable to his Subordinate the Coimbatore Deputy Collector, but refuses to modify his order on the ground that he "cannot allow the irregularity to remain unchecked"

3. I, of course, am not desirous that the irregularity should remain unchecked: all I ask is that the trouble of rectifying it should be borne by the Department to which the officer who committed it belongs. And as the injustice of the Accountant Genl's Final Decision would seem to be clear from his own letter, I trust I shall not be considered presumptuous if I am unwilling to acquiesse in his "Sic Volo Sic jubeo" as Conclusive, and appeal to

1810
17B
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to Government who, I venture to hope, will think it a less evil that the decree of the Accountant General should be changed than that I should be punished for a fault which it is not even attempted to lay to my charge.

4. Nay I believe that Government will not permit their Officers to be treated with unfairness and discourtesy will, I hope, excuse my troubling you on a matter intrinsically so unimportant as the present.

I have the honor &c &c

Sir,

Your most Obedient Servant

J Mills

Acting Judge

1868

Financial Department

Proceedings of the Madras Government

Read the following letter from the Acting Judge of the Small Cause Court of Combaconum.

Rec'd 12 Augt 1867 No 172.

Order thereon 28 August 1867 No 393.

The Accountant General with the required statement of the circumstances explained by Mr Selby and under the provisions of Clause 89 of the Rules for Remittance Transfer Receipt, a Transfer Receipt cannot be granted to him for the remittance which is to meet the requirements of the Account Department, but is called upon to make to the Treasury at Coimbatore.

Read

work

* and in correction of an error on the part of a deputy Collector in charge of a Treasury.

Rec'd
Dated 20 Augt 1867
From the Acting Judge of the Small Cause Court Combaconum
No 172
Dated 12 August 1867
Rec'd 17 " "
No 391 of 1867

Submitting for the Consideration and orders of Government a copy of a letter from Mr Selby Collector of Tanjore in the Revenue and General Department relative to the practice of the Treasury Officers of the Tanjore District of Refusing to receive Remittances on the Account of the Small Cause Court and stating the reasons which appear to him to warrant such refusal.

Entered
R 27th "

Mr Accountant
General will also be
requested to state
what is the precise Course
which Officers leaving
their Stations during
the recess should follow
in respect of the draw-
ing of their Salaries,
as it appears from
what he Silly States
that he was not aware
of any rule
which interdicted
him from drawing
his Salary from the nearest
Branch in his instance any
Vacancy at London.
&c &c &c

Acct General
H. E. Silly Esq- Combatonaw

Financial Dep't.

No. 393.

Proceedings of Govt.

No 492

Dated 20th August 1867.

48.49